

U.S. Patent Application No. 10/776,970
Amendment dated November 8, 2006
Response to Office Action dated August 8, 2006

REMARKS/ARGUMENTS

Reconsideration and continued examination of the above-identified application are respectfully requested.

The amendment to the claims further defines what the applicants regard as the invention. In the amendment, claims 14, 34, and 35 have been amended. Claims 34 and 35 have been amended to be independent claims. Full support for the amendments can be found throughout the present application. Therefore, no new questions of patentability should arise. Entry of the amendment is respectfully requested.

Rejection of claims 14-19, 21-24, 27-31, and 33-36 under 35 U.S.C. §112, second paragraph

At page 2 of the Office Action, the Examiner rejects claims 14-19, 21-24, 27-31, and 33-36 under 35 U.S.C. §112, second paragraph. The Examiner asserts that the claims are indefinite.

In particular, the Examiner asserts that claim 14 is not clear with respect to the phrase "that reacts the cholesterol." The Examiner further asserts that method claim 34 is not clear because of the terms "utilizing" and "introducing." Further, the Examiner asserts that method claim 34 is not clear because it is dependent on claim 14 and has a similar rejection with respect to claim 35. Finally, the Examiner asserts that claim 36 is a substantial duplication of claim 14. For the following reasons, this rejection is respectfully traversed.

Method claims 34 and 35 have been amended to become independent claims by incorporating the language regarding the reagents from claim 14 or claim 22. Claim 14 has been amended to recite that the second reagent comprises a first enzyme that is capable of reacting with the cholesterol in the high-density lipoprotein. It is believed that this amendment will address the Examiner's comments regarding claim 14 not being clear, and further will address the Examiner's

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comments regarding the dependency of claims 34 and 35. In addition, claims 34 and 35 have been amended to replace the language of "introducing the first reagent to the sample" and "introducing the second reagent" with the phrase "assaying the high-density lipoprotein fraction with said reagents . . ." Again, it is believed that this language will assist the Examiner in addressing the Examiner's comments. The amendments do not alter the scope of the claims and are editorial in nature. Finally, with respect to claim 36 and the Examiner's comments that claim 36 is a substantial duplication of claim 14, the applicants are willing to cancel claim 36, such as by way of an Examiner's amendment, if the remaining claims are considered in condition for allowance.

If the Examiner believes that alternative language should be used, the Examiner is respectfully requested to contact the undersigned so that the prosecution of this application can proceed in an expedited way. The applicants appreciate the Examiner's cooperation in this application.

Accordingly, for these reasons, the rejection should be withdrawn and an indication be provided that all claims are now in condition for allowance.

Should there be any remaining issues, the Examiner is encouraged to contact the undersigned by telephone.

CONCLUSION

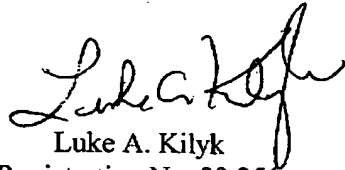
In view of the foregoing remarks, the applicant respectfully requests the reconsideration of this application and the timely allowance of the pending claims.

If there are any fees due in connection with the filing of this response, please charge the fees to Deposit Account No. 50-0925. If a fee is required for an extension of time under 37 C.F.R. § 1.136 not accounted for above, such extension is requested and should also be charged to said

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Deposit Account.

Respectfully submitted,



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